

HR 1813 IH

107th CONGRESS

1st Session

H. R. 1813

To amend title 10, United States Code, to revise the rules under the military Survivor Benefit Plan for termination of an annuity paid to a surviving spouse upon remarriage before age 55.

IN THE HOUSE OF REPRESENTATIVES

May 10, 2001

Mr. MORAN of Kansas introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to revise the rules under the military Survivor Benefit Plan for termination of an annuity paid to a surviving spouse upon remarriage before age 55.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REVISION TO SPOUSE ANNUITY TERMINATION PROVISIONS UNDER MILITARY SURVIVOR BENEFIT PLAN.

(a) LIMITATION ON TERMINATION OF ANNUITY UPON REMARRIAGE BEFORE AGE 55- Section 1450(b) of title 10, United States Code, is amended--

(1) by adding at the end of paragraph (2) the following: `However, the annuity of a surviving spouse shall not be terminated if the surviving spouse and the person to whom section 1448 of this title applies were married for a period of not less than 10 years during which that person performed service on active duty or, in the case of a person providing a reserve-component annuity, for not less than 10 years that were credited for purposes of reserve-component retired pay.'; and

(2) in paragraph (2), by striking `If' and all that follows through `remarries' and inserting `If an annuity of a surviving spouse or former spouse is terminated under

paragraph (2) by reason of remarriage'.

(b) APPLICABILITY TO PRIOR TERMINATIONS- In the case of an annuity paid to a surviving spouse under subchapter II of chapter 73 of title 10, United States Code, that was terminated before the date of the enactment of this Act by reason of the remarriage of the surviving spouse before age 55, the annuity shall be resumed if that annuity would not have been so terminated had the provisions of section 1450(b)(2) of title 10, United States Code, as amended by subsection (a)(1), been in effect at the time of such remarriage. Any such annuity shall be resumed effective as of the first day of the first month after the date of the enactment of this Act and in the amount that would have been in effect if the annuity had not been so terminated.

END